

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

1	UNITED STATES OF AMERICA,	)	CR. NO. 19-00099-DKW-KJM
2		)	
3	Plaintiff,	)	Honolulu, Hawaii
4		)	
5	vs.	)	March 15, 2024
6		)	
7	MICHAEL J. MISKE, JR.,	)	JURY TRIAL - DAY 39
8		)	
9	Defendant.	)	(TESTIMONY OF GOVERNMENT'S
10		)	WITNESS STANLEY MA)

PARTIAL TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DERRICK K. WATSON  
CHIEF UNITED STATES DISTRICT COURT JUDGE

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300 Ala Moana Boulevard, Room C-338  
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced with computer-aided transcription (CAT).

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I N D E X

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E X H I B I T S

None.

1 FRIDAY, MARCH 15, 2024 11:09 A.M. O'CLOCK

2 \* \* \* \* \*

3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 MR. AKINA: Government calls Stanley Ma.

6 COURTROOM MANAGER: Please raise your right hand.

7 STANLEY MA, GOVERNMENT'S WITNESS, SWORN.

8 THE WITNESS: Yes.

9 COURTROOM MANAGER: Thank you. You may be seated.

10 Please state your full name, spelling your last name  
11 for the record.

12 THE WITNESS: My name is Stanley Ma; M-A.

13 DIRECT EXAMINATION

14 BY MR. AKINA:

15 Q Good morning, Mr. Ma.

16 A Good morning.

17 Q Do you mind speaking closer into the microphone  
18 (indicates)?

19 what do you do for work?

20 A I was a used car manager for a used car dealership.

21 Q That's what you've done in the past?

22 A Yeah.

23 Q what dealership was that?

24 A Top Value Auto.

25 Q How long did you -- were you with Top Value Auto?

1 A 17 years.

2 Q And what years was that?

3 A '05 to 2022.

4 Q And currently, do you do something else?

5 A I run a rubbish company.

6 Q Is that a new venture?

7 A Yes.

8 Q what type of business was Top Value Auto?

9 A A used car dealership.

10 Q And what are some of the sources -- what was the main  
11 source of vehicles for Top Value Auto?

12 A Manheim auction in Mapunapuna.

13 Q would you ever go and bid on vehicles at Manheim auction?

14 A Every week for 20-something years. For 17 years, sorry.

15 Q I want to focus you on the period of 2017 to 2018. Did  
16 you -- were you going to auctions then?

17 A Yes.

18 Q And at that time did you see an individual named Michael  
19 Miske?

20 A Yes.

21 Q And would Michael Miske bid on vehicles then?

22 A Yes.

23 Q The first time that you saw Michael Miske at Manheim  
24 auction, was he there alone or with other people?

25 A with other people.

1 Q who were the people that you recall seeing him with?

2 A Preston Kimoto, Freitas, Jason, Stancil.

3 Q You said Freitas. Do you know his first name?

4 A Kaulana.

5 Q You said Jason. Do you know his last name?

6 A Yokoyama.

7 Q And you said Stancil.

8 A Yeah.

9 Q Do you know his first name?

10 A John.

11 Q John Stancil?

12 A Yeah.

13 Q would you recognize Michael Miske if you saw him today?

14 A Yeah.

15 Q Do you see him here in the courtroom?

16 A Yes.

17 Q Can you identify him by something that he's wearing?

18 A The -- the jacket, the gray jacket.

19 MR. AKINA: Let the record reflect the witness has  
20 identified the defendant.

21 THE COURT: Yes. The record should reflect the  
22 witness Mr. Ma's identification of the defendant, Mr. Miske.

23 BY MR. AKINA:

24 Q Now, did you observe other people treat the defendant  
25 differently --

1 A Yes.

2 Q -- at auctions?

3 A Yes.

4 Q Explain that.

5 A He has a reputation of being violent, so people usually  
6 back off when he bids.

7 Q Were you personally aware of -- heard about that  
8 reputation?

9 A Yes.

10 Q And what were you aware of?

11 MR. KENNEDY: Objection on hearsay, Your Honor.

12 THE COURT: Overruled. Go ahead.

13 A So we have lunch every Wednesday at Manheim, and all the  
14 dealers stay back and we chitchat. And people were saying that  
15 he murdered the boy that got into a car crash with his son, so  
16 everybody's afraid of him.

17 MR. KENNEDY: Move to strike, Your Honor.

18 THE COURT: That motion is granted. The jury shall  
19 not consider the last answer of the witness, Mr. Ma.

20 BY MR. AKINA:

21 Q The general reputation that you were aware of, did that  
22 affect the way that you interacted with the defendant?

23 A Yes.

24 MR. AKINA: Your Honor, I would move to  
25 reconsideration.

1 THE COURT: Denied.

2 BY MR. AKINA:

3 Q Now, did you ever bid on a vehicle that the defendant was  
4 bidding on?

5 A Yes.

6 Q And can you describe what happened during that?

7 A Yes. It was in an in-op auction, which is before the  
8 normal auction, where the vehicles are sight unseen and it's in  
9 different island sometimes.

10 And this particular vehicle was a 2015 Tacoma, and it was  
11 low miles and it was lifted, and it seems to be very desirable.  
12 But nobody was there to actually see the car in person, so we  
13 really don't know what's wrong with it. So you kind of take a  
14 chance with vehicles that's in-op. And this one was in Kauai.

15 It was a white Tacoma and manual transmission. I remember  
16 very clear. I started the bid at 5,000. I was sitting in the  
17 front. And then I didn't realize this, Miske was there, and he  
18 was all the way in the back. And I'm -- I don't look back to  
19 see who's bidding on the vehicle against me. I just bid. And  
20 we went from 5,000 to about 18,500, and I finally just decided  
21 it was too much of a risk and I -- I dropped out of the bid.  
22 And -- and then Miske got the -- the vehicle. And I didn't  
23 even realize he got it. You know, I -- I don't even look.

24 So when the auction ends, they call out a number instead  
25 of a name. Instead of saying Miske got the car, they just call

1 a -- a number. And I didn't know who got it. But during that  
2 day Miske seems to be following me around when I'm bidding on  
3 cars, and he bid on every car that I bid on. And when I see  
4 that it's him, I usually just back off. So I stopped bidding  
5 on the vehicles.

6 So I guess he ended up with a lot of vehicles that day  
7 'cause he kept trying to outbid me on vehicles. And I -- I  
8 wasn't aware that he was doing it on purpose.

9 Q Let me jump in right here. So the first auction that  
10 you're talking about, this is all happening on the same day?

11 A Same day, yeah.

12 Q And so the first one of that day you said that at the time  
13 you weren't aware that the defendant was bidding on that Toyota  
14 Tacoma?

15 A Yeah. Had I known, I wouldn't have bid it against him.

16 Q And the price went from 5,000 up to how much?

17 A 18,500-ish.

18 Q So it went up over \$13,000?

19 A Yeah, and I think he was really angry about that.

20 Q And so after -- you walked away because it was too --

21 A Yeah, it was just too high.

22 Q -- expensive?

23 A Yes.

24 Q And then you said that they don't announce by name. It's  
25 a number that they give out?



1 A Yeah.

2 Q And so later on, as you're going to other vehicles and  
3 bidding on them --

4 A Yeah.

5 Q -- you described that you saw the defendant also bidding  
6 on them?

7 A Yeah.

8 Q And what happened at each of those subsequent?

9 A He wins the auction or other people bid against him. But  
10 he -- he's -- he ended up with a lot of cars that day.

11 Q And then what happened?

12 A And then I was walking by them, and then he turned around  
13 and told me, or asked me: Do we have a problem? And he was  
14 real angry when he was asking me. And, you know, knowing who  
15 he is, I -- I definitely said, you know, there's -- what --  
16 what seems to be the problem? I don't understand. You know,  
17 as I was backing off on all the bids.

18 But he kept telling me that we have a problem, and that  
19 it -- it started to escalate to where he's threatening to beat  
20 me up, and then kept escalating to where he will kill me, we  
21 have a problem. I -- I didn't know why he was so angry.

22 Then he told me I was bidding against him on the car, and  
23 I didn't realize it was that car. It's going on for like five,  
24 ten minutes. You know, he just kept coming at me for no  
25 reason.

1 Q where was this taking place at the auction?

2 A In the auction. On the -- on the auction floor.

3 Q And you said that he's -- for 10, 15 minutes. What is --  
4 what's the -- his voice level like?

5 A Super loud. And -- and it's -- also because there's  
6 auction going on that's real loud, so he was screaming. Him  
7 and Preston was there at the time and -- Preston Kimoto. And  
8 Preston just stood behind Mike and gave me the death stare like  
9 they're going to really hurt me. And I -- I --

10 Q What sorts of things were the defendant saying to you?

11 A It -- it just started off with: You know who I am, you  
12 know; you know what I could do to you. And then it escalate  
13 to: Let's go to the parking lot right now. He's going to lick  
14 me. Then it escalate to like he could kill me anytime, you  
15 know, I don't know who I'm messing with. The whole time I was  
16 just apologizing. I -- I didn't realize that I did something  
17 wrong.

18 Q And did this ever turn physical?

19 A No.

20 Q So just threats that he's yelling at you?

21 A Yeah. Well -- I -- I deescalated the situation 'cause I  
22 realized that he was in over his head on how many cars he's  
23 got, and he's got a whole bunch of tickets. And he said -- oh,  
24 he told -- tell me, you know, he's bidding against me on every  
25 car, and he's got too many cars.

1           So I -- I offered to say: Hey, you know, any vehicle you  
2   don't want to buy, how about this, you know, I'll make it up to  
3   you. I -- I'll take over the ones that you don't want. 'Cause  
4   we could do that at the auction. We could switch over to the  
5   winning bidders. So --

6   Q     And so when you say that, you mean after you win a bid you  
7   get a ticket?

8   A     Yes, yes.

9   Q     And then at the end of the day, you would have to go take  
10   that ticket and pay for the vehicle?

11   A     Yes.

12   Q     So if you took Michael Miske's tickets and paid for them,  
13   then that would essentially be you paying instead of him?

14   A     Yeah. So -- so that finally deescalated the situation  
15   where he stopped coming after me to threaten me.

16   Q     About how many vehicles did you agree to take and pay for  
17   for Miske, Michael Miske?

18   A     I don't remember the exact number, but it was maybe four  
19   or five cars, at least.

20   Q     And the arrangement is that you would keep those vehicles?

21   A     Yes, I will -- I would take over as the winning bid so  
22   that he won't be responsible to go and make payments on a  
23   vehicle that he doesn't even want.

24   Q     Did you -- in offering that -- would you have offered that  
25   solution to anyone --

1 A No.

2 Q -- in that situation?

3 why did you decide to offer up to purchase vehicles?

4 A Well, he was threatening to kill me, so I wanted to think  
5 of a way to make -- and he hinted that, you know, I -- he has  
6 too many cars that he don't even want. So I figured that would  
7 be the way to deescalate the situation.

8 Q And did the defendant's reputation that you were aware of  
9 affect your decision to offer that up as a solution?

10 A Oh, absolutely, yeah.

11 Q And did it work? Did it deescalate the situation?

12 A Yeah. At that -- at that day, yeah.

13 Q Did you end up actually taking some vehicles and paying  
14 for them?

15 A Yeah. I paid for all the vehicles that he didn't want.

16 Q After this happens, you mentioned that sometimes there  
17 are -- there are lunches --

18 A Mm-hmm.

19 Q -- that the dealers stay for?

20 Did Michael Miske stay for the lunch that day?

21 A No.

22 Q Did anyone -- did Preston Kimoto stay for the lunch that  
23 day?

24 A No, they -- they don't ever stay for lunch.

25 Q And with other people, other dealers there, did anyone

1 talk to you about what took place?

2 A Oh, yeah, of course.

3 Q And without going into too much detail, what was the gist  
4 of what they were saying to you?

5 A It's just --

6 MR. KENNEDY: Objection, hearsay.

7 THE COURT: Overruled. Go ahead.

8 A It's just: Hey, what happened? Are you going to be okay?  
9 I said I -- I -- I think so, you know, I -- I think we resolved  
10 the issue.

11 BY MR. AKINA:

12 Q Did people seem concerned --

13 A Yeah.

14 Q -- when they came up to you?

15 A Yes, yes.

16 Q Did you file --

17 A It --

18 Q -- a police report?

19 A No, I didn't.

20 Q Why not?

21 A I didn't get physically harmed, and I figured we  
22 deescalated the situation. And me and Mike was cool already,  
23 you know, at that point. That's what I thought.

24 Q Did you think that by filing a police report that might  
25 make things worse?

1 A Yes. Of course.

2 Q What does that mean?

3 A You know, if I file a police report, he might come after  
4 me and my family.

5 Q I want to fast forward to sometime after 2020. Are you  
6 aware that Preston Kimoto got arrested?

7 A Yes.

8 Q And was there a period of time where Preston Kimoto was  
9 out on supervised release, pretrial supervised release?

10 A Yes.

11 Q During that time period did you ever talk to Preston  
12 Kimoto?

13 A Yes.

14 Q And where did that take place?

15 A At the gym.

16 Q And in this --

17 A 24-Hour Fitness, Kapiolani.

18 Q In this particular conversation, what did -- at this time  
19 was it your understanding that Preston Kimoto was still  
20 associated with Michael Miske?

21 A Yes.

22 MR. KENNEDY: I object to this line of questioning in  
23 2022.

24 THE COURT: I don't understand the objection.

25 MR. KENNEDY: The objection would be it's not

1 relevant.

2 THE COURT: who said anything about 2022?

3 MR. KENNEDY: I thought that the conversation was  
4 later, after -- when Mr. Kimoto was out on release.

5 THE COURT: Is that in 2022?

6 MR. AKINA: I believe that would cover the time  
7 frame. This is general, just sometime after 2020.

8 THE COURT: I haven't heard a question that's  
9 objectionable. Proceed.

10 BY MR. AKINA:

11 Q During this time period do you recall the exact year?

12 MR. KENNEDY: Objection on the time period, Your  
13 Honor, if we could have more specificity to the question.

14 THE COURT: I thought that's what the question was  
15 designed to elicit.

16 THE WITNESS: I'm sorry. What was that?

17 THE COURT: The question was: Do you recall the  
18 exact year?

19 THE WITNESS: No, I don't. Probably 2021.

20 BY MR. AKINA:

21 Q But at the point in time that you had this conversation  
22 with Preston Kimoto, you were aware that he had already been  
23 arrested?

24 A Yes.

25 Q And he wasn't in jail; he was out. He was at the gym with

1 you, right?

2 A Yes.

3 Q And so during that time, that specific conversation that  
4 you had at the gym, did you discuss his charges with him?

5 A Yes.

6 Q And what did Preston Kimoto tell you?

7 MR. KENNEDY: Objection, hearsay, Your Honor. 2021.

8 THE COURT: The objection's overruled. Go ahead.

9 MR. KENNEDY: Outside of any time period --

10 THE COURT: I said the objection is overruled. Do I  
11 need to say it again? Did you not hear it?

12 MR. KENNEDY: I did, Your Honor. Just making a  
13 record.

14 THE COURT: The objection is overruled.

15 Answer the question.

16 A So Preston told me that he's not to worry and --

17 THE COURT: That wasn't the question.

18 THE WITNESS: Oh. What was the question?

19 BY MR. AKINA:

20 Q what did Preston -- you said that you discussed his  
21 charges with him.

22 A Yeah.

23 Q what did Preston Kimoto tell you?

24 A He said he's not too worried about the charges. And he  
25 said that Mike is his best friend and he never ratted, because



1 rumor was that --

2 Q Without going into rumor, just focusing on what he told  
3 you.

4 A Right. Okay. So he said that he's not too worried about  
5 the charges because he's going to talk to the -- the witnesses,  
6 or he would take care of the witnesses. I don't know what that  
7 means.

8 Q Did it appear to you that he was trying to act tough in  
9 front of you?

10 A Yes.

11 MR. AKINA: No other questions.

12 THE COURT: Mr. Kennedy, cross-exam when you're  
13 ready.

14 CROSS-EXAMINATION

15 BY MR. KENNEDY:

16 Q So the events you were talking about happened on a single  
17 day, correct?

18 A The auction event?

19 Q Yes.

20 A Yes, sir.

21 Q All right. So you were down in the front, right?

22 A Yes.

23 Q You were bidding on this Toyota -- it was a Tacoma, right?

24 A Yeah.

25 Q And it started at around 5,000, if I remember?

1 A Yes.

2 Q And someone in the back was bidding as well?

3 A Yes.

4 Q And then eventually you dropped out of the bid?

5 A 18-something, yeah.

6 Q Around 18-something?

7 A Yeah.

8 Q And you didn't know who was bidding against you?

9 A No.

10 Q And were you aware of whether anyone could even see that  
11 you were bidding? Were there people in between you? You said  
12 up in the back and some --

13 A Anybody behind me would have seen that I was bidding.

14 Q I'm sorry?

15 A Anybody that's behind me -- I was in the front. I -- I  
16 sat down in the front row.

17 Q Okay. All right.

18 And so that bid went to a spot where you didn't want to  
19 bid anymore and you dropped out?

20 A Yes.

21 Q All right. And then I believe you observed Mr. Miske  
22 bidding on other cars during the day, right?

23 A Yes.

24 Q You did not bid on those vehicles, right?

25 A No.

1 Q Okay.

2 A Well, I -- I might have been bidding on it, but when I see  
3 him bid against me, then I drop.

4 Q Okay. But you don't remember whether you bid on any one  
5 of those specific cars before?

6 A What -- what do you mean?

7 Q You saw Mr. Miske bidding on other vehicles, right?

8 A Yes.

9 Q And then eventually you take back either three or four or  
10 five cars, right? From him?

11 A Yes.

12 Q Were you bidding on any of those cars?

13 A Yeah. I was bidding on them.

14 Q Okay. And so you were bidding on those cars, but  
15 eventually he got the bid on those cars, right?

16 A Yeah, when I see him bidding, then I stop bidding.

17 Q Okay. All right. And so later you -- Mr. Miske  
18 approaches you, right?

19 A Yes.

20 Q Okay. And you've had a couple meetings in January of this  
21 year with the FBI, right?

22 A Yes.

23 Q That's the first time that they spoke with you, right?

24 A Yes.

25 Q Okay. So on the 10th, I believe you said that Mr. Miske

1 came up to you and said that you guys were going to have some  
2 problems?

3 A Yes.

4 Q All right. And that at that time he was screaming and  
5 swearing, right?

6 A Yes.

7 Q And there was something about if you want to go outside  
8 and fight?

9 A Yes.

10 Q Okay. And that -- that's what you told them on the 10th,  
11 right?

12 A Yes.

13 Q Okay. And then you said what ended up about that was that  
14 the -- four or five of those cars you ended up taking the bid  
15 from him?

16 A Yes.

17 Q And then you ended up with those cars?

18 A Yes.

19 Q Okay. Now, you're aware that there's -- and you said that  
20 two of them, you think that this probably was captured on  
21 video, correct?

22 A Yes.

23 Q All right. Did they show you any video today?

24 MR. AKINA: Objection, speculation. Calls for facts  
25 not in evidence.

1 THE COURT: Overruled. Go ahead.

2 A No.

3 THE COURT: Did they show you any video today?

4 BY MR. KENNEDY:

5 Q Okay. Have you seen that video from -- at Manheim?

6 A No.

7 Q Did the FBI show you any video from Manheim in preparation  
8 for your testimony now here in March?

9 A No.

10 Q And this was an event that you told them about in January  
11 of this year?

12 A Yeah.

13 Q Okay. Now, a couple of days later you also had a  
14 follow-up interview with them, on January 12th, right?

15 A Yeah.

16 Q And that was the first time that you said that Mr. Miske  
17 said: Do you know who I am and I'll kill you, correct?

18 A Yes.

19 Q Okay. So you didn't tell them that the first time, right?

20 A I guess so.

21 Q Okay. Now, you said at the end of the day at this time of  
22 the auction that once you took back the cars you guys were  
23 cool, right?

24 A Yeah.

25 Q And nothing else happened after that day?

1 A Oh. Whenever I'd bid against him, you know, after this  
2 event, he would just stare at me and then I would just back  
3 off. You know, like -- only happened two or three times when I  
4 accidentally bidded on a car and I didn't realize he was the  
5 one on it. So I got off of it.

6 Q Okay.

7 A You know, he would -- he would just intimidate me.

8 Q So you've had two interviews with the FBI, and you never  
9 told them that, right?

10 A I did told them that.

11 MR. AKINA: Objection, 403 --

12 BY MR. KENNEDY:

13 Q Did you?

14 A Yes.

15 Q Okay.

16 So you had bidding, and he would stare at you, right?

17 A If I bid against him --

18 Q Okay.

19 A -- accidentally.

20 Q Do you know a individual by the name of Gino, who is also  
21 someone bidding at the auction?

22 A Yes.

23 Q All right. Do you know Gino also to stare at folks when  
24 he's bidding?

25 A No.

1 Q Okay. Do you know other people that do that during the  
2 auction?

3 A Yes.

4 Q Okay.

5 MR. KENNEDY: Nothing further.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. AKINA:

9 Q You were asked a question about a video. You said that  
10 you've never seen a video from that day?

11 A No.

12 Q So you don't actually know if a video -- if it was  
13 actually captured, correct?

14 A I don't know hundred percent.

15 MR. AKINA: Nothing further.

16 THE COURT: Anything else, Mr. Kennedy?

17 MR. KENNEDY: No, Your Honor.

18 THE COURT: All right. Mr. Ma, you may step down.

19 Thank you, sir.

20 (Witness excused.)

21 (End of partial transcript.)

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1 COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United  
3 States District Court, District of Hawaii, do hereby certify  
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a  
5 complete, true, and correct transcript of the stenographically  
6 recorded proceedings held in the above-entitled matter and that  
7 the transcript page format is in conformance with the  
8 regulations of the Judicial Conference of the United States.

9 DATED at Honolulu, Hawaii, June 22, 2024.

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/s/ Ann B. Matsumoto  
ANN B. MATSUMOTO, RPR

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